

**New Jersey Department of Health and Senior Services
Bureau of Vital Statistics
P. O. Box 370
Trenton, NJ 08625-0370**

NOTICE OF RIGHTS AND OBLIGATIONS OF DOMESTIC PARTNERS

Procedural Requirements:

Establish Eligibility

A domestic partnership shall be established when all of the following requirements are met:

1. Both persons have a common residence within the State of New Jersey, or have a common residence in another jurisdiction and at least one of the persons is a member of a New Jersey State-administered retirement system, and both persons are otherwise jointly responsible for each other's common welfare as evidenced by joint financial arrangements or joint ownership of real or personal property, which shall be demonstrated by at least one of the following:
 - a. a joint deed, mortgage agreement or lease;
 - b. a joint bank account;
 - c. designation of one of the persons as a primary beneficiary in the other person's will;
 - d. designation of one of the persons as a primary beneficiary in the other person's life insurance policy or retirement plan; or
 - e. joint ownership of a motor vehicle;
2. Both persons agree to be jointly responsible for each other's basic living expenses during the domestic partnership;
3. Neither person is in a marriage recognized by New Jersey law or a member of another domestic partnership;
4. Neither person is related to the other by blood or affinity up to and including the fourth degree of consanguinity;
5. Both persons are of the same sex and therefore unable to enter into a marriage with each other that is recognized by New Jersey law, except that two persons who are each 62 years of age or older and not of the same sex may establish a domestic partnership if they meet the requirements of this section.
6. Both persons have chosen to share each other's lives in a committed relationship of mutual caring;
7. Both persons are at least 18 years of age;
8. Both persons file jointly an Affidavit of Domestic Partnership; and
9. Neither person has been a partner in a domestic partnership that was terminated less than 180 days prior to filing of the current Affidavit of Domestic Partnership, except that this prohibition shall not apply if one of the partners died; and, in all cases in which a person registered a prior domestic partnership, the domestic partnership shall have been terminated in accordance with the provisions shown below under terminating a Domestic Partnership.
10. A person who unlawfully executes an Affidavit of Domestic Partnership shall be subject to a civil penalty of up to \$1000.

Complete an Affidavit of Domestic Partnership

Affidavits of Domestic Partnership can be obtained from any local registrar's office of vital statistics at any municipality within the State of New Jersey.

An Affidavit of Domestic Partnership requires the applicants to provide their full name, date of birth, age, sex, and common residence.

Both applicants must present the completed Affidavit of Domestic Partnership and identification to a notary public and sign in the presence of the notary attesting that they meet the requirements for establishing a domestic partnership.

Filing the Affidavit of Domestic Partnership

The signed and notarized Affidavit of Domestic Partnership shall be presented to any local registrar of vital statistics at any municipality within the State of New Jersey. The Affidavit of Domestic Partnership must be accompanied by proof of at least one of the following:

1. a joint deed, mortgage agreement or lease;
2. a joint bank account;
3. designation of one of the persons as a primary beneficiary in the other person's will;
4. designation of one of the persons as a primary beneficiary in the other person's life insurance policy or retirement plan; or
5. joint ownership of a motor vehicle;

Applicants whose common residence is not within the State of New Jersey must provide proof, by at least one applicant, of membership in a New Jersey state-administered retirement system as evidenced by one or more of the following documents issued by the New Jersey Division of Pension and Benefits:

1. Personal Benefits Statement from the current or previous calendar year;
2. 1099R from the current or previous calendar year; or
3. Certificate of Pension Membership.

Upon filing of the Affidavit of Domestic Partnership and payment of the appropriate fee the local registrar shall immediately complete a Certificate of Domestic Partnership.

Terminating A Domestic Partnership

The Superior Court of New Jersey shall have jurisdiction over all proceedings relating to the termination of a domestic partnership. The fees for filing an action or proceeding for the termination of a domestic partnership shall be the same as those for filing an action or proceeding for divorce.

Termination of a domestic partnership may be adjudged for the following causes:

- a. voluntary sexual intercourse between a person who is in a domestic partnership and an individual other than the person's domestic partner;
- b. willful and continued desertion for a period of 12 or more consecutive months, which may be established by satisfactory proof that the parties have ceased to cohabit as domestic partners;
- c. extreme cruelty, which is defined as including any physical or mental cruelty that endangers the safety or health of the plaintiff or makes it

improper or unreasonable to expect the plaintiff to continue to cohabit with the defendant; except that no complaint for termination shall be filed until after three months from the date of the last act of cruelty complained of in the complaint, but this provision shall not be held to apply to any counterclaim;

- d. separation, provided that the domestic partners have lived separate and apart in different habitations for a period of at least 18 or more consecutive months and there is no reasonable prospect of reconciliation; and provided further that, after the 18 month period, there shall be a presumption that there is no reasonable prospect of reconciliation;
- e. voluntarily induced addiction or habituation to any narcotic drug, as defined in the "New Jersey Controlled Dangerous Substances Act" or the "Comprehensive Drug Reform Act of 1987," or habitual drunkenness for a period of 12 or more consecutive months subsequent to establishment of the domestic partnership and next preceding the filing of the complaint;
- f. institutionalization for mental illness for a period of 24 or more consecutive months subsequent to establishment of the domestic partnership and next preceding the filing of the complaint; or
- g. imprisonment of the defendant for 18 or more consecutive months after establishment of the domestic partnership, provided that where the action is not commenced until after the defendant's release, the parties have not resumed cohabitation following imprisonment.

In the case of two persons who are each 62 years of age or older and not of the same sex and have established a domestic partnership, the domestic partnership shall be deemed terminated if the two persons enter into a marriage with each other that is recognized by New Jersey law.

In all such proceedings, the court shall in no event be required to effect an equitable distribution of property, either real or personal, which was legally and beneficially acquired by both domestic partners or either domestic partner during the domestic partnership.

The court shall notify the State Registrar of the termination of a domestic partnership.

Rights and Obligation of Domestic Partners

Pursuant to N.J.S.A. 26:8A-1 et seq., all persons in domestic partnerships shall be entitled to certain rights and benefits that are accorded to married couples under the laws of New Jersey, including statutory protection through the "Law Against Discrimination" against various forms of discrimination based on domestic partnership status, such as employment, housing and credit discrimination, visitation rights for a hospitalized domestic partner and the right to make medical or legal decisions for an incapacitated partner; and an additional exemption from the personal income tax and the transfer inheritance tax on the same basis as a spouse.

The obligations that two people have to each other as a result of creating a domestic partnership shall be limited to the provisions of the Domestic Partnership Act and those provisions shall not diminish any right granted under any other provision of law.

Upon termination of a domestic partnership, the domestic partners, from that time forward, shall incur none of the obligations to each other as domestic partners that are created by the Domestic Partnership Act or any other act.

A domestic partnership, civil union or reciprocal beneficiary relationship entered into outside of this State, which is valid under the laws of the jurisdiction under which the partnership was created, shall be valid in this State.

Any health care or social services provider, employer, operator of a place of public accommodation, property owner or administrator, or other individual or entity may treat a person as a member of a domestic partnership, notwithstanding the absence of an Affidavit of Domestic Partnership filed pursuant to the Domestic Partnership Act.

Domestic Partners may modify the rights and obligations to each other that are granted by the Domestic Partnership Act in any valid contract between themselves, except for the requirements for a domestic partnership as set forth in the section of the Domestic Partnership Act governing eligibility to establish a domestic partnership.

Two adults who have not filed an Affidavit of Domestic Partnership shall be treated as domestic partners in an emergency medical situation for the purposes of allowing one adult to accompany the other adult who is ill or injured while the latter is

being transported to a hospital, or to visit the other adult who is a hospital patient, on the same basis as a member of the latter's immediate family, if both persons, or one of the persons in the event that the other person is legally or medically incapacitated, advise the emergency care provider that the two persons have met the other requirements for establishing a domestic partnership as set forth in the Domestic Partnership Act; however, the provisions of this section shall not be construed to permit the two adults to be treated as domestic partners for any other purpose as provided in the Domestic Partnership Act prior to their having filed an Affidavit of Domestic Partnership.

A domestic partner shall not be liable for the debts of the other partner contracted before establishment of the domestic partnership, or contracted by the other partner in his/her own name during the domestic partnership. The partner who contracts for the debt in his/her own name shall be liable to be sued separately in his/her own name, and any property belonging to that partner shall be liable to satisfy that debt in the same manner as if the partner had not entered into a domestic partnership.

Pursuant to N.J.S.A. 26:8A-5, a former domestic partner who has given a copy of the Certificate of Domestic Partnership to any third-party to qualify for any benefit or right and whose receipt of that benefit or enjoyment of that right has not otherwise terminated, shall upon termination of the domestic partnership, give or send to the third-party at last known address of third-party, written notification that the domestic partnership has been terminated. A third-party that suffers a loss as a result of failure by the domestic partner to provide this notice, shall be entitled to seek recovery from the partner who was obligated to send notice for any actual loss resulting thereby. Failure to provide notice to a third party shall not delay or prevent the termination of a domestic partnership.